

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSE MARIA DeCASTRO,
a/k/a CHILLE DeCASTRO,
a/k/a DELETE LAWZ,

Plaintiff,

v.

JOSHUA ABRAMS a/k/a
ACCOUNTABILITY FOR ALL, KATE
PETER a/k/a MASSHOLE
TROLL MAFIA,

Defendants.

CASE NO. 1:22-cv-11421-ADB

AFFIDAVIT OF BENJAMIN J. WISH

I, Benjamin J. Wish, under oath depose and state as follows based upon my personal knowledge:

1. I am an attorney with the law firm of Todd & Weld LLP, counsel for Defendant Kate Peter a/k/a Masshole Troll Mafia (“Ms. Peter”).

Mr. DeCastro’s Harassment and Threats

2. Mr. DeCastro has made concerted efforts to harass and threaten me.

3. On October 11, 2022, I apprised Plaintiff Jose Maria DeCastro (“Mr. DeCastro”) that I had been engaged to represent Ms. Peter and requested that going forward he please direct all correspondence to me rather than to Ms. Peter. I found the request particularly important given the history between Mr. DeCastro and Ms. Peter, as set out in Ms. Peter’s affidavit.

4. On the same date, Mr. DeCastro left me a voicemail which concluded with the statement:

You're not my daddy. I have no obligation to you, none, you you. I don't owe you a goddamn thing.

You're a bloodsucking law lawyer who doesn't give a shit about justice. You're doing court law cases. You don't give a shit about justice or the rule of law or the Constitution or America . . .

5. An accurate recording of the voicemail which Mr. DeCastro left for me is located on YouTube at <https://youtu.be/JGHQxj3VM18>.

6. He has exhorted his online supporters and subscribers to "find out everything about this guy" in an apparent effort to try to find some information to use against me as leverage. He did so via his online identity of Delete Lawz, which is also the name of his YouTube channel. A true and correct screenshot of Mr. DeCastro's message to his online supporters requesting that they investigate me is attached here as Exhibit A.

Mr. DeCastro Claims to Require Service by the Postal Service to Evade Court Orders

7. Mr. DeCastro has taken the position that he does not receive service of any document or order in this matter until he has received it via the U.S. Postal Service. He has taken this position in an apparent attempt to seek to manipulate this litigation and to avoid the Court's orders. Indeed, he took the position that he had not received notice of an order to appear for a status conference in order to avoid appearing for the October 18, 2022 status conference which this Court ordered.

8. On October 18, 2022, Ms. Peter filed an Emergency Motion for Status Conference. ECF No. 16. I emailed that motion to Mr. DeCastro at the email on which he and I have corresponded.

9. The Court allowed Ms. Peter's Emergency Motion for Status Conference and set a telephonic hearing for 4 PM on Tuesday, October 18, 2022. ECF No. 17.

10. The Court ordered all parties to appear for the status conference. Id

11. Mr. DeCastro has listed his email on the Court's docket as iamalaskan@gmail.com such that he received notice at that email address.

12. I further emailed the Court's order to Mr. DeCastro at the email address he has used for corresponding with me.

13. I spoke with Mr. DeCastro immediately prior to the October 18, 2022 hearing. Among other things, I reminded him of the impending hearing. He communicated that he would not be attending the hearing and took the position that he did not receive notice of the hearing. I told him that I had emailed the Court's order to him and that the Court had provided him notice via the email listed on the Court docket. I also reminded him that he had told me that he checks the Court's docket. He nevertheless insisted that he was unaware of any hearing.

14. Despite the Court's order, of which Mr. DeCastro had actual notice, Mr. DeCastro elected not to appear at the hearing.

15. At the hearing, the Court put on the record the means by which it had provided notice to Mr. DeCastro. Hearing Transcript (Oct. 18, 2022), at 4:9–5:1, a true and correct copy of which is attached here as Exhibit B.

16. Mr. DeCastro has sworn under the penalty of perjury that he elected not to comply with the Court's order to appear at the October 18, 2022 hearing because, among other excuses, "I obviously had not received proper service." See Plaintiff's Memorandum and Declaration in Support of Motion for Sanctions for Spoliation and Abuse of Process, at 4, a true and correct copy of which is attached here as Exhibit C. In other words, Mr. DeCastro refused to appear for a court-ordered hearing because it is his position that the service of the order the Court provided was not proper.

Signed under the penalties of perjury on this 19th day of October 2022.

A handwritten signature in blue ink, appearing to read "BJW", is positioned above a horizontal line.

Benjamin J. Wish, Esq.